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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Satoshi SERIZAWA

Group Art Unit: 2834

Application No.: 09/938,594

Examiner: T. Dougherty

Filed: August 27, 2001

Docket No.: 110052

For: PIEZOELECTRIC DEVICE AND MANUFACTURING METHOD THEREFOR

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 27, 2004 Restriction Requirement, Applicant provisionally elects Group I, claims 1-3, with traverse.

It is respectfully submitted that the subject matter of all claims 1-7 species is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims.

Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

It is also respectfully submitted that in accordance with MPEP §821.04, if product claims are elected and subsequently allowed, rejoinder of non-elected process claims which depend from or otherwise include all of the limitations of allowed product claims will be permitted. Accordingly, Applicant submits that upon allowance of elected claims 1-3, non-elected Group II (claims 4-7) should be rejoined and similarly allowed as Group II is the method of making the device recited in the Group I claims and includes all limitations of Group I.

Thus, for all the foregoing reasons, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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Date: October 19, 2004

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